

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RONALD L. SEAY,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, *et al.*,

Defendants.

Case No. 1:25-cv-00179-BAM (PC)

ORDER REQUIRING PLAINTIFF TO SHOW  
CAUSE WHY ACTION SHOULD NOT BE  
DISMISSED, WITHOUT PREJUDICE, FOR  
FAILURE TO EXHAUST PRIOR TO FILING  
SUIT

(ECF No. 1)

**TWENTY-ONE (21) DAY DEADLINE**

Plaintiff Ronald L. Seay (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

Pursuant to the Prison Litigation Reform Act of 1995 (“PLRA”), “[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a). Prisoners are required to exhaust the available administrative remedies prior to filing suit. *Jones v. Bock*, 549 U.S. 199, 211 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1199–1201 (9th Cir. 2002). Exhaustion is required regardless of the relief sought by the prisoner and regardless of the relief offered by the process, *Booth v. Churner*, 532 U.S. 731, 741 (2001), and the exhaustion requirement applies to all suits relating to prison life, *Porter v. Nussle*, 534 U.S. 516, 532 (2002).

1 In the complaint, Plaintiff states that there is an inmate appeal or administrative remedy  
2 process available at his institution and that he filed an appeal or grievance concerning all of the  
3 facts contained in his complaint, however, he states that the process is not completed. (ECF No.  
4 1, p. 2.) Plaintiff further states in explanation for why the process is not completed “IN  
5 LITIGATION. STILL PENDING.” (*Id.*)

6 Based on the information provided, it appears Plaintiff filed suit prematurely without first  
7 exhausting his administrative remedies in compliance with the PLRA, section 1997e(a).

8 Accordingly, Plaintiff is HEREBY ORDERED to show cause within **twenty-one (21)**  
9 **days** from the date of service of this order why this action should not be dismissed, without  
10 prejudice, for failure to exhaust prior to filing suit. *See, e.g., Albino v. Baca*, 747 F.3d 1162, 1169  
11 (9th Cir. 2014) (in rare cases where a failure to exhaust is clear from the face of the complaint, it  
12 may be dismissed for failure to state a claim); *Medina v. Sacramento Cty. Sheriff's Dep't*, No.  
13 2:16-cv-0765 AC P, 2016 WL 6038181, at \*3 (E.D. Cal. Oct. 14, 2016) (“When it is clear from  
14 the face of the complaint and any attached exhibits that a plaintiff did not exhaust his available  
15 administrative remedies before commencing an action, the action may be dismissed on screening  
16 for failure to state a claim.”); *Lucas v. Dir. of Dep't. of Corrs.*, 2015 WL 1014037, at \*4 (E.D.  
17 Cal. Mar. 6, 2015) (relying on *Albino* and dismissing complaint without prejudice on screening  
18 due to plaintiff's failure to exhaust administrative remedies prior to filing suit).

19  
20 IT IS SO ORDERED.

21 Dated: July 14, 2025

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
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